

1 TRINETTE G. KENT (State Bar No. 025180)  
2 10645 North Tatum Blvd., Suite 200-192  
3 Phoenix, AZ 85028  
4 Telephone: (480) 247-9644  
5 Facsimile: (480) 717-4781  
6 E-mail: tkent@kentlawpc.com

7 Of Counsel to:  
8 Nitzkin & Associates  
9 22142 West Nine Mile Road  
10 Southfield, MI 48033  
11 Telephone: (248) 353-2882  
12 Facsimile: (248) 353-4840

13 *Attorneys for Plaintiff,*  
14 *Shari Corbett*

15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE DISTRICT OF ARIZONA

17 Shari Corbett,  
18 Plaintiff,

19 vs.

20 Experian Information Solutions, Inc.  
21 an Ohio corporation;  
22 Trans Union, LLC,  
23 a Delaware limited liability company;  
24 Equifax Information Services, LLC, a  
25 Georgia corporation; and  
26 Capital One Bank, USA, NA  
27 a national association,  
28 Defendants.

Case No.:

**COMPLAINT**

**JURY TRIAL DEMANDED**

1 NOW COMES THE PLAINTIFF, SHARI CORBETT, BY AND THROUGH  
2 COUNSEL, TRINETTE G. KENT, and for her Complaint against the Defendants,  
3  
4 pleads as follows:

5 **JURISDICTION**

- 6  
7 1. Jurisdiction of this court arises under the Fair Credit Reporting Act (“FCRA”)  
8 15 U.S.C. §1681p., and 28 U.S.C. §§1331, 1337.  
9  
10 2. This is an action brought by a consumer for violation of the Fair Credit  
11 Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).

12 **VENUE**

- 13  
14 3. The transactions and occurrences which give rise to this action occurred in the  
15 City of Phoenix, Maricopa County, Arizona.  
16  
17 4. Venue is proper in the District of Arizona, Phoenix Division.

18 **PARTIES**

- 19 5. The Defendants to this lawsuit are:  
20 a. Experian Information Solutions, Inc. (“Experian”), which is an Ohio  
21 corporation that maintains a registered agent in Maricopa County,  
22 Arizona;  
23  
24 b. Trans Union, LLC, (“Trans Union”), which is an Delaware company that  
25 maintains a registered agent in Maricopa County, Arizona;  
26  
27  
28

- 1 c. Equifax Information Services, LLC (“Equifax”), which is a Georgia  
2 company that maintains a registered agent in Maricopa County, Arizona;  
3 and  
4  
5 d. Capital One Bank, USA, NA (“Capital One”), which is a national  
6 association that maintains a registered agent in Richmond, Virginia.  
7

8  
9 **GENERAL ALLEGATIONS**

- 10 6. Capital One is reporting its trade line with account number  
11 6206218185682XXXX (“Errant Trade Line”) with multiple charge offs on  
12 Plaintiff’s Experian, Equifax, and Trans Union credit files.  
13  
14 7. These multiple charge offs give any user or prospective of Plaintiff’s credit  
15 reports that not only did a charge off incur on a particular date, but for several  
16 months thereafter. These repetitive charge off notations are far more punitive  
17 and misleading than informative.  
18  
19 8. On or about September 21, 2015, Ms. Corbett obtained her Experian, Equifax,  
20 and Trans Union credit files and noticed that Capital One had multiple KDs  
21 (Key Derogatory) on its Errant Trade Line.  
22  
23 9. On or about October 5, 2015, Ms. Corbett, submitted a letter to the CRAs,  
24 disputing the multiple charge offs on the Capital One Errant Trade Line.  
25  
26 10. Upon information and belief, Defendants Experian, Trans Union, and Equifax  
27 forwarded Ms. Corbett’s dispute to Defendant Capital One.  
28

1 11. On or about October 15, 2015, Ms. Corbett received correspondence from  
2 Experian, which stated that it previously processed the dispute and the credit  
3 grantor had verified its accuracy. Experian stated that pursuant to Section  
4 611(a)(3)(A) of the FCRA, it would not reinvestigate the same dispute again.  
5

6 12. On or about October 28, 2015, Ms. Corbett received Equifax's investigation  
7 results, which showed that Capital One retained the multiple charge offs on the  
8 Errant Trade Line.  
9

10 13. On or about October 30, 2015, Ms. Corbett received Trans Union's  
11 investigation results, which also showed that Capital One retained the multiple  
12 charge offs on the Errant Trade Line.  
13  
14

15 **COUNT I**

16 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
17 **BY CAPITAL ONE**

18 14. Plaintiff re-alleges the above paragraphs as if recited verbatim.  
19

20 15. After being informed by the CRAs of Plaintiff's consumer dispute regarding the  
21 Errant Trade Line, Capital One negligently failed to conduct a proper  
22 investigation of the Plaintiff's dispute as required by 15 USC 1681s-2(b).  
23

24 16. Capital One negligently failed to review all relevant information available to it  
25 and provided by the CRAs in conducting its investigation as required by 15  
26 USC 1681s-2(b). Specifically, it failed to direct the CRAs to remove the  
27  
28

multiple charge-offs from the Errant Trade Line from Ms. Corbett's consumer credit reports.

17.The Errant Trade Line is inaccurate and creating a misleading impression on Ms. Corbett's consumer credit files with Experian, Equifax, and Trans Union to which it is reporting such trade line.

18.As a direct and proximate cause of Capital One's negligent failure to perform its duties under the FCRA, Ms. Corbett has suffered damages, mental anguish, suffering, humiliation, and embarrassment.

19.Capital One is liable to Ms. Corbett by reason of its violations of the FCRA in an amount to be determined by the trier fact, together with reasonable attorneys' fees pursuant to 15 USC 1681o.

20. Ms. Corbett has a private right of action to assert claims against Capital One arising under 15 USC 1681s-2(b).

**WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment against Capital One for damages, costs, interest, and attorneys' fees.

## **COUNT II**

### **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY CAPITAL ONE**

21.Plaintiff re-alleges the above paragraphs as if recited verbatim.

1 22. After being informed by the CRAs that Ms. Corbett disputed the accuracy of  
2 the information it was providing, Capital One willfully failed to conduct a  
3 proper investigation of Ms. Corbett's dispute.  
4

5 23. Capital One willfully failed to review all relevant information available to it and  
6 provided by the CRAs as required by 15 USC 1681s-2(b).  
7

8 24. As a direct and proximate cause of Capital One's willful failure to perform its  
9 respective duties under the FCRA, Ms. Corbett has suffered damages, mental  
10 anguish, suffering, humiliation, and embarrassment.  
11

12 25. Capital One is liable to Ms. Corbett for either statutory damages or actual  
13 damages she has sustained by reason of its violations of the FCRA in an amount  
14 to be determined by the trier of fact, together with an award of punitive damages  
15 in the amount to be determined by the trier of fact, as well as for reasonable  
16 attorneys' fees that she may recover therefore pursuant to 15 USC 1681n.  
17  
18  
19

20 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
21 against Capital One for the greater of statutory or actual damages, plus punitive  
22 damages, along with costs, interest, and attorneys' fees.  
23  
24  
25  
26  
27  
28

**COUNT III**

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT BY  
EXPERIAN**

26.Plaintiff re-alleges the above paragraphs as if recited verbatim.

27.Defendant Experian prepared, compiled, issued, assembled, transferred,  
published, and otherwise reproduced consumer reports regarding Ms. Corbett as  
that term is defined in 15 USC 1681a.

28.Such reports contained information about Ms. Corbett that was false,  
misleading, and inaccurate.

29.Experian negligently failed to maintain and/or follow reasonable procedures to  
assure maximum possible accuracy of the information it reported to one or  
more third parties pertaining to Ms. Corbett, in violation of 15 USC 1681e(b).

30. After receiving Ms. Corbett's consumer dispute to the Errant Trade Line,  
Experian negligently failed to conduct a reasonable reinvestigation as required  
by 15 U.S.C. 1681i.

31.As a direct and proximate cause of Experian's negligent failure to perform its  
duties under the FCRA, Ms. Corbett has suffered actual damages, mental  
anguish and suffering, humiliation, and embarrassment.

32.Experian is liable to Ms. Corbett by reason of its violation of the FCRA in an  
amount to be determined by the trier fact together with her reasonable  
attorneys' fees pursuant to 15 USC 1681o.

1       **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
2 against Experian for actual damages, costs, interest, and attorneys' fees.  
3

4                               **COUNT IV**

5       **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY**  
6       **EXPERIAN**

7       33.Plaintiff re-alleges the above paragraphs as if recited verbatim.

8       34.Defendant Experian prepared, compiled, issued, assembled, transferred,  
9 published and otherwise reproduced consumer reports regarding Ms. Corbett as  
10 that term is defined in 15 USC 1681a.  
11

12       35.Such reports contained information about Plaintiff that was false, misleading,  
13 and inaccurate.  
14

15       36.Experian willfully failed to maintain and/or follow reasonable procedures to  
16 assure maximum possible accuracy of the information that it reported to one or  
17 more third parties pertaining to Ms. Corbett, in violation of 15 USC 1681e(b).  
18

19       37. After receiving Ms. Corbett's consumer dispute to the Errant Trade Line,  
20 Experian willfully failed to conduct a reasonable reinvestigation as required by  
21 15 U.S.C. 1681i.  
22

23       38.As a direct and proximate cause of Experian's willful failure to perform its  
24 duties under the FCRA, Ms. Corbett has suffered actual damages, mental  
25 anguish and suffering, humiliation, and embarrassment.  
26  
27  
28



1 39.Experian is liable to Ms. Corbett by reason of its violations of the FCRA in an  
2 amount to be determined by the trier of fact, together with her reasonable  
3 attorneys' fees pursuant to 15 USC 1681n.  
4

5  
6 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
7  
8 against Defendant Experian for the greater of statutory or actual damages, plus  
9 punitive damages along with costs, interest, and reasonable attorneys' fees.  
10

11 **COUNT V**

12 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT BY**  
13 **TRANS UNION**

14 40.Plaintiff re-alleges the above paragraphs as if recited verbatim.

15 41.Defendant Trans Union prepared, compiled, issued, assembled, transferred,  
16 published, and otherwise reproduced consumer reports regarding Ms. Corbett as  
17 that term is defined in 15 USC 1681a.  
18

19 42.Such reports contained information about Ms. Corbett that was false,  
20 misleading, and inaccurate.  
21

22 43.Trans Union negligently failed to maintain and/or follow reasonable procedures  
23 to assure maximum possible accuracy of the information it reported to one or  
24 more third parties pertaining to Ms. Corbett, in violation of 15 USC 1681e(b).  
25  
26  
27  
28

1 44. After receiving Ms. Corbett's consumer dispute to the Errant Trade Line, Trans  
2 Union negligently failed to conduct a reasonable reinvestigation as required by  
3 15 U.S.C. 1681i.  
4

5 45. As a direct and proximate cause of Trans Union's negligent failure to perform  
6 its duties under the FCRA, Ms. Corbett has suffered actual damages, mental  
7 anguish and suffering, humiliation, and embarrassment.  
8

9 46. Trans Union is liable to Ms. Corbett by reason of its violation of the FCRA in  
10 an amount to be determined by the trier of fact together with her reasonable  
11 attorneys' fees pursuant to 15 USC 1681o.  
12

13 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
14 against Trans Union for actual damages, costs, interest, and attorneys' fees.  
15

16 **COUNT VI**

17 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY**  
18 **TRANS UNION**  
19

20 47. Plaintiff re-alleges the above paragraphs as if recited verbatim.

21 48. Defendant Trans Union prepared, compiled, issued, assembled, transferred,  
22 published and otherwise reproduced consumer reports regarding Ms. Corbett as  
23 that term is defined in 15 USC 1681a.  
24

25 49. Such reports contained information about Plaintiff that was false, misleading,  
26 and inaccurate.  
27  
28

1 50. Trans Union willfully failed to maintain and/or follow reasonable procedures to  
2 assure maximum possible accuracy of the information that it reported to one or  
3 more third parties pertaining to Ms. Corbett, in violation of 15 USC 1681e(b).  
4

5 51. After receiving Ms. Corbett's consumer dispute to the Errant Trade Line, Trans  
6 Union willfully failed to conduct a reasonable reinvestigation as required by 15  
7 U.S.C. 1681i.  
8

9 52. As a direct and proximate cause of Trans Union's willful failure to perform its  
10 duties under the FCRA, Ms. Corbett has suffered actual damages, mental  
11 anguish and suffering, humiliation, and embarrassment.  
12

13 53. Trans Union is liable to Ms. Corbett by reason of its violations of the FCRA in  
14 an amount to be determined by the trier of fact, together with her reasonable  
15 attorneys' fees pursuant to 15 USC 1681n.  
16  
17  
18

19 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
20 against Defendant Trans Union for the greater of statutory or actual damages, plus  
21 punitive damages along with costs, interest, and reasonable attorneys' fees.  
22  
23  
24  
25  
26  
27  
28

**COUNT VII**

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY EQUIFAX**

54.Plaintiff re-alleges the above paragraphs as if recited verbatim.

55.Defendant Equifax prepared, compiled, issued, assembled, transferred, published, and otherwise reproduced consumer reports regarding Ms. Corbett as that term is defined in 15 USC 1681a.

56.Such reports contained information about Ms. Corbett that was false, misleading, and inaccurate.

57.Equifax negligently failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information it reported to one or more third parties pertaining to Ms. Corbett, in violation of 15 USC 1681e(b).

58. After receiving Ms. Corbett's consumer dispute to the Errant Trade Line, Equifax negligently failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

59.As a direct and proximate cause of Equifax's negligent failure to perform its duties under the FCRA, Ms. Corbett has suffered actual damages, mental anguish and suffering, humiliation, and embarrassment.

60.Equifax is liable to Ms. Corbett by reason of its violation of the FCRA in an amount to be determined by the trier fact, together with her reasonable attorneys' fees pursuant to 15 USC 1681o.

1       **WHEREFORE, PLAINTIFF PRAYS** that the court grant her a judgment  
2 against Equifax for actual damages, costs, interest, and attorneys' fees.  
3

4                               **COUNT VIII**

5                   **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
6                   **BY EQUIFAX**

7       61.Plaintiff re-alleges the above paragraphs as if recited verbatim.

8       62.Defendant Equifax prepared, compiled, issued, assembled, transferred,  
9 published, and otherwise reproduced consumer reports regarding Ms. Corbett as  
10 that term is defined in 15 USC 1681a.  
11

12       63.Such reports contained information about Ms. Corbett that was false,  
13 misleading, and inaccurate.  
14

15       64.Equifax willfully failed to maintain and/or follow reasonable procedures to  
16 assure maximum possible accuracy of the information that it reported to one or  
17 more third parties pertaining to Ms. Corbett, in violation of 15 USC 1681e(b).  
18

19       65. After receiving the Plaintiff's consumer dispute to the Errant Trade Line,  
20 Equifax willfully failed to conduct a reasonable reinvestigation as required by  
21 15 U.S.C. 1681i.  
22

23       66.As a direct and proximate cause of Equifax's willful failure to perform its duties  
24 under the FCRA, Ms. Corbett has suffered actual damages, mental anguish and  
25 suffering, humiliation, and embarrassment.  
26  
27  
28

1 67. Equifax is liable to Ms. Corbett by reason of its violations of the FCRA in an  
2 amount to be determined by the trier of fact, together with her reasonable  
3 attorneys' fees pursuant to 15 USC 1681n.  
4

5  
6 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment  
7 against Defendant Equifax for the greater of statutory or actual damages, plus punitive  
8 damages along with costs, interest, and reasonable attorneys' fees.  
9

10 **JURY DEMAND**  
11

12 Plaintiff hereby demands a trial by Jury.  
13

14  
15 DATED: March 9, 2016

NITZKIN & ASSOCIATES

16  
17 By: /s/ Trinette G. Kent  
18 Trinette G. Kent  
19 Attorneys for Plaintiff,  
20 Shari Corbett  
21  
22  
23  
24  
25  
26  
27  
28